

REGULAR BUSINESS MEETING

Thursday, May 8, 2008

Meeting was called to order at 7:00 PM.

Members present were: Rene Wood, David Smith Sr., Christopher Tomich, Anthony Gulotta and Margaret Martin.

Sign-in sheet attached.

Minutes: D. Smith Sr. made a motion to accept the minutes for the 4/24/08 Regular Business Meeting as submitted. His motion was seconded and approved unanimously.

M. Martin made a motion to accept the minutes for the 4/24/08 Public Hearing on proposed warrant article to increase the membership of the Zoning Board of Appeals from three members to five members as submitted. Her motion was seconded and approved unanimously.

Bill: R. Wood submitted a bill for reimbursement of expenses. C. Tomich made a motion to approve the reimbursement of R. Wood's expenses. His motion was seconded and approved.

Berkshire Regional Planning Commission (BRPC): R. Wood will attend the next meeting of the Commission as a visitor and D. Smith Sr. will represent Sheffield. R. Wood has submitted a letter requesting that she be appointed Alternate Delegate to BRPC. A. Gulotta made a motion that C. Tomich be authorized to call the Chair of the Board of Selectmen and recommend that R. Wood be appointed as Alternate Delegate to the Berkshire Regional Planning Commission. His motion was approved with 4 in favor and one abstention.

Planning Board Training: R. Wood is organizing the following seminars which will be 2-2.5 hours each:

1. How to hold the perfect hearing and write defensible decisions.
2. Special Permits and Variances.
3. Non-Conforming Structures uses and Grandfathering.

Each seminar will cost \$400 and could be paid for through the BPRC Planning Board Master Plan Fund. D. Smith Sr. made a motion to authorize R. Wood to negotiate fees for

the seminars up to \$1,800 subject to final Planning Board Approval. His motion was approved with 4 in favor and one abstention.

Board approves R. Wood's voluntary service: The Town Clerk, Felicie Joyce, needs to prepare all the Zoning Bylaws that have passed for the Attorney General's office. R. Wood received approval from the Board to help with that task as a volunteer.

The Board thanked Rene Wood for her long and diligent service as a Planning Board Member.

Special Permit Application Form: C. Tomich made a motion to accept the Special Permit Application Form. His motion was seconded and unanimously approved. R. Wood will turn the approved form into the Town Clerk and Rhonda La Bombard will put it on the web site.

Planning Board Rules and Regulations: The Board agreed to review them for the next meeting.

Mail was reviewed.

Discussion ensued regarding sharing experience with new Planning Board Member.

7:54 PM D. Smith Sr. made a motion to suspend the Regular Business Meeting. His motion was seconded and approved.

8:15 PM M. Martin made a motion to Re-open the Regular Business Meeting. Her motion was seconded and approved.

Record of Deliberations by the Planning Board Linda Rosen Antiques Special Permit Application for One Commercial Sign of 28 Square Feet in Size

Name of Applicant:	Linda Rosen Antiques (Linda Rosen Living Trust, Allen & Linda Rosen, co-trustees)
Address of Applicant:	576 Sheffield Plain Road, Sheffield, MA 01257
Purpose of Special Permit:	Greater size of a sign related to Commercial Activities as permitted by Special Permit (Sign of 28 square feet in area, rather than a sign of 20 sq. feet allowed by right)
Per By-Law Section:	6.2.5.2

The members of the Town of Sheffield Planning Board, which is also the Special Permit Granting Authority (SPGA) hereby certify that the following is a detailed record of all the board's proceedings for the above named applicant and property referred to on Tax Map No. 31, Block & Lot 1-6.3, Book 1780 & Page 222 at the address of 576 Sheffield Plain Road, Sheffield, MA

01257 on the Special Permit application dated 3/24/08, stamped by the Town Clerk on 3/25/08 and accepted by the Board on 4/9/08, as case # 040908. The property is located in the Village Center District.

The applicant requested a Special Permit under Section 6.2.5.2 of the Town of Sheffield Zoning By-Laws for the purpose of a greater size of a sign related to Commercial Activities as permitted by Special Permit. The applicant, Allen Rosen presented the application to the Board at a public hearing on 5/8/08 at 8 PM.

Notices of Public Hearing on this Special Permit were made as follows:

1. Notices of the public hearing were published in The Berkshire Record, a weekly newspaper of general circulation in the Town of Sheffield, in the 4/18/08 and 4/25/08 editions.
2. Notice was posted in a conspicuous place in the Sheffield Town Hall at least 14 days before the public hearing on 5/8/08 at 8 PM.
3. Notice of Public Hearing were mailed, postpaid, on 4/18/08, at least 14 days before the hearing, to the applicant, abutters to the property in question, owners of land directly opposite from the property in question on any private or public street or way as supplied by the town assessors Certified Abutter List and to the Planning Boards of the abutting towns of Great Barrington, Alford, MT. Washington and New Marlborough.
4. Notice of Public Hearing and sketch were delivered to the Board of Selectmen, Fire Department, Highway Department, Police Department, Board of Health and Conservation Commission at the Town Hall for review and feedback. Notice was dated 4/18/08 and distributed on the same date.

Documentation and testimony entered into the public record:

- Special Permit application and all documents submitted with the initial application dated 3/24/08, including photos and drawing of sign location; received by the Town Clerk on 3/25/08 and accepted 4/9/08.
- Testimony from Allen Rosen, Applicant.
- Testimony from George Oleen, who, after understanding the size of the sign being sought through the special permit, liked the sign.
- There were no letter received, no comments received from other departments and no testimony was received in opposition to the special permit application.

The Special Permit hearing began on 5/8/08 and was closed on 5/8/08.

All members of the board present for the hearing: Anthony Gulotta, Margaret Z. Martin, David Smith, Sr., Chris Tomich and Rene Wood.

During its regular business meeting on May 8, 2008, the Planning board began its deliberations on this special permit request for Linda Rosen Antiques. All five members are present during deliberations.

Findings:

1. The request sign size – 28 sq. feet – is permitted by special permit. The maximum size sign under a special permit is 30 sq. feet. The applicant has measured the area of his sign correctly.
2. The sign is attractive and in keeping with the neighborhood. It fits well with the building and the area.
3. Part of the reason for the application is a drop off in the grade from the road to the area where the sign is placed; ground level, where the posts are planted is below grade level of the road. Because of this, the larger size will make the sign visible from the road and appropriately sized.
4. The applicant has only one sign on the property and plans to add no other signage.

The Board noted that at town meeting on May 5th, voters had approved the warrant article to correct the typo in the by-laws, so the by-laws now read, “may not grant a Special Permit for any sign more than 50% larger than that permitted under 6.2.5.2. Further, the Board noted that it may not grant a Special Permit for a combined square footage of all signs exceeding 50 square feet.”

The board reviewed Section 6.2 Signs:

- Regarding Section 6.2.2: General Requirements, the board found that the special permit application’s request is within the guidelines and the sign is in conformance with these general requirements.
- Regarding Section 6.2.4 Signs permitted in All Districts, the board found the sign is in conformance with this Section.
- The board next reviewed Section 6.2.5, Signs related to Commercial Activities, which states that permitted by right within the Village Center District are one primary sign, not exceeding 20 square feet in area, and one secondary sign, not exceeding 8 square feet, advertising a commercial or industrial use.

Per the special permit application, the applicants are seeking approval for a commercial sign of 28 square feet in size. The board noted that the requested sign size is within the size permitted by a special permit and that the applicant has no secondary signage.

- The board next reviewed, **Section 6.2.5.2 Signs Permitted by Special Permit**, which states that the planning board may grant a special permit for a greater number of signs or for signs larger than those permitted by right in Section 6.2.5.1 if the board finds that additional or larger signs meet specified design criteria and found:

1. The proposed signs will be consistent with the character and use of the areas in which they are placed.

Regarding this point, the board commented that the sign fits in perfectly with the area and spoke of it wonderful appearance and elegant nature.

The Board voted 5-0 that the proposed sign WILL be consistent with the character and use of the areas in which they are placed.

2. Every sign will have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.

Regarding this point, the board commented that the sign is suitable, under maximum permitted size by special permit, good scale and proportions are suitable.

The Board voted 5-0 that the proposed sign WILL have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings.

3. Every sign has been designed as an integral architectural element of the building and site to which it principally relates.

Regarding this point, the board commented that the sign does have an antique look to it and is appropriate to the building; goes well with the building and the new addition. The sign is crisp and clear.

The Board voted 5-0 that the proposed sign HAS BEEN designed as an integral architectural element of the building and site to which it principally relates.

4. The proposed colors, materials and illumination, which shall not be internal, of every sign proposed is restrained and harmonious with the building and site to which it principally relates.

Regarding this point, the board commented that the sign has no lighting of any kind and is restrained in appearance.

The Board voted 5-0 that the proposed colors, materials and illumination, which shall not be internal, of the sign proposed ARE restrained and harmonious with the building and site to which it principally relates.

5. The number of graphic elements on each sign has been held to the minimum needed to convey the sign's major message and is in proportion to the area of the sign face.

Regarding this point, the board commented that there is one sign; minimalistic in the information it provides – the name of the business – and that previous comments made in the earlier four points of this Section apply to #5.

The Board voted 5-0 that the number of graphic elements on the proposed sign HAVE BEEN held to the minimum needed to convey the sign's major message and is in proportion to the area of the sign face

6. Each sign will be compatible with, and will not compete for attention with, signs on adjoining premises.

Regarding this point, the board commented that there are no competing signs in the area and felt the proposed signage will go with any future signs put up on nearby properties.

The Board voted 5-0 that the proposed sign WILL BE compatible with, and will not compete for attention with, signs on adjoining premises.

Next the board reviewed the proposed use, a larger sign advertising a commercial business and services than allowed by right, specifically 28 square feet, per the requirements of Section 9.4.2.2, Decision, which states that a Special Permit shall be granted only upon the board's written determination that the beneficial effects of the proposed use outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

During its deliberations, the board reviewed all the evidence, documents and all testimony presented against each of the following and found:

- 9.4.2.2.1: The Social, economic or community needs which may be served by the proposed use.

The SPGA, by a 5-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

The board referenced its earlier comments, added that the sign classes up the area and noted the drop off in grade from Route 7 to the applicant's property in supporting this application.

- 9.4.2.2.2: Traffic impact, flow and safety, parking and loading and accommodation to pedestrian and non-automotive transportation.

The SPGA, by a 5-0 vote, found this section NOT APPLICABLE, as it is a sign that is under review for a special permit.

- 9.4.2.2.3: Adequacy of utilities and other public services.

The SPGA, by a 5-0 vote, found this section NOT APPLICABLE, as it is a sign that is under review for a special permit.

- 9.4.2.2.4: Appropriateness to the proposed location, the neighborhood character and town land use objectives.

The SPGA, by a 5-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

The board referenced its earlier comments and added that the sign is attractive.

- 9.4.2.2.5: Environmental impacts, including, but not limited to, visual effects, noise, order, dust, vibration, fumes, smoke, light intrusion, glare, impacts on natural habitats, views, water pollution, erosion and sedimentation.

The SPGA, by a 5-0 vote, found that the beneficial effects of the proposed use DO outweigh any potential adverse impacts to the town or neighborhood as it applies to the particular characteristics of the site and in relation to that site.

The board, in commenting on the visual effects of the sign, referenced its earlier comments and added that the sign is soothing in appearance and appropriate to the area and the site.

- 9.4.2.2.6: Potential fiscal impact, including impact on town services, tax base and employment.

The SPGA, by a 5-0 vote, found this section NOT APPLICABLE, as it is a sign that is under review for a special permit.

No Conditions were attached to this special permit.

No waivers were requested or granted.

Final Vote:

In keeping with its authority, on May 8, 2008 during its regular business meeting, the SPGA voted as follows:

Anthony Gulotta:	GRANT
Margaret Martin:	GRANT
David Smith, Sr.:	GRANT
Christopher Tomich:	GRANT
Rene Wood:	GRANT

By a 5-0 vote, the board voted unanimously to GRANT the special permit application of Linda Rosen Antiques for a sign in the size of 28 square feet as documented and shown in their special permit application.

*At 8:37 PM a motion was made by D. Smith Sr. that the meeting be adjourned.
The motion was seconded and unanimously approved.*

Respectfully submitted,
Nadia Milleron
Secretary to the Planning Board